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October 12, 2018

VIA ECF

The Honorable John F. Keenan
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, NY 10022

Re: State of New York *ex rel.* Vinod Khurana v. Spherion Corp. (n/k/a SFN Group, Inc.) / Docket No. 1:15-cv-06605-JFK-OTW

Dear Judge Keenan:

This Firm represents SFN Group, LLC, f/k/a Spherion Corp. ("Defendant") in the above-referenced action. We submit this joint letter on behalf of both Parties, with the consent of David Kovel, counsel for Plaintiff Vinod Khurana, seeking a 62-day extension of the fact discovery deadline from November 13, 2018 to January 14, 2019.

Below we provide a recapitulation of the discovery efforts to date, and the reasons we believe an extension is warranted.

Since Your Honor's Order dated July 19, 2018 (ECF No. 102), Defendant retained new counsel and made a limited initial production of documents on September 10, 2018. Because the entity with which Plaintiff was employed was acquired by a holding group in 2011 and pieces of its business have been acquired by a larger entity, it has taken some additional time to gather responsive documents, particularly ESI given that the "relevant" time frame is from June 1, 2004 to June 30, 2007. The parties have met and conferred about ESI on several occasions, most recently on October 4, 2018 and Defendant made a production on October 8, 2018 of approximately five hundred and forty pages. The parties are planning on speaking to discuss ESI-related issues further.

The parties exchanged first sets of discovery requests, and Defendants served supplemental discovery requests on September 17, 2018. Plaintiff took the deposition of one former Spherion employee Mahesh Sharma on August 21, 2018. Plaintiff has noticed a F.R.C.P. 30(b)(6) witness and Defendant and three additional non-party fact witnesses, Tom Roach, Reka Basu, and Sharif Sherifden. Plaintiff also intends to take the deposition of Mark Mazer, a non-party witness who is currently in federal prison for a conviction related to events at issue in this case. This deposition will necessarily require coordination among the parties and the court. In addition, Defendant has



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designated former Spherion employee Howard Cohen as its F.R.C.P. 30(b)(6) witness. The parties attempted to schedule Mr. Cohen's deposition during the summer, however, due to a pressing medical issue and subsequent surgery, he was unavailable and in recovery for eight weeks. The parties have tentatively scheduled Plaintiff's and Mr. Roach's deposition for mid-November and are working on scheduling Mr. Cohen's deposition based on his recovery schedule.

The current discovery end date is November 13, 2018. This additional time should suffice to permit the parties to complete all outstanding fact discovery and depositions in this matter without requiring an additional extension. There have been no prior requests for an adjournment or extension. Plaintiff consents to this request.

The parties currently have a pre-trial conference on November 19, 2018. We request an adjournment of this conference if the request to extend discovery is granted.

We thank the Court for its consideration of this request.

Very truly yours,

SEYFARTH SHAW LLP

/s/ Howard Wexler

Howard Wexler

cc: David E. Kovel, Esq.
Seth Shapiro, Esq.